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ATTORNEYS FOR DEFENDANTS BOBBY A. ALI; RICK  
ALI<sup>1</sup>; M1 COLLISION CARE CENTERS, INC.<sup>2</sup>; AUTOVEST  
COLLISION REPAIRS, INC., DBA AUTOWEST COLLISION  
REPAIRS, INC.; AND AW COLLISION OF SERRAMONTE<sup>3</sup>

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RAFAEL SANDOVAL, LUIS MARTIN  
CALIXTO, and ADRIAN RAMIREZ on  
behalf of themselves, on behalf of all others  
similarly situated and in the interest of the  
general public,

Plaintiffs,

v.

BOBBY A. ALI; RICK ALI, M1 AUTO  
COLLISIONS CENTERS, INC.; M1  
COLLISION CARE CENTERS, INC.;  
AUTOVEST COLLISION REPAIRS, INC.  
aka AUTOWEST COLLISION REPAIRS,  
INC.; and SERRAMONTE AUTO PLAZA  
BODY SHOP, INC.,

Defendants.

CASE NO. CV 13-03230 EDL

STIPULATION AND ~~PROPOSED~~ ORDER  
TO EXTEND THE TIME TO HEAR  
DISPOSITIVE MOTIONS AS MODIFIED

Judge: Hon. Elizabeth LaPorte

<sup>1</sup> Defendants Bobby Ali and Rick Ali were dismissed with prejudice, in part, by the Court's Order of 7/10/2014.

<sup>2</sup> Erroneously sued as "M1 Auto Collisions Centers, Inc."

<sup>3</sup> Erroneously sued as "Serramonte Auto Plaza Body Shop, Inc."

1 The Parties to the above entitled action, by and through their respective counsel of record,  
2 submit this Stipulation and Proposed Order to continue the deadline to hear dispositive motions from  
3 March 1, 2016 to July 15, 2016.

4 The parties have met and conferred and agree as follows:

- 5 1. On June 18, 2014, the Court issued a Case Management Order which set the hearing for  
6 class certification as April 28, 2015. The last date for hearing dispositive motions was  
7 then set for August 4, 2015. Moving parties are required to file motion papers no later  
8 than 35 days prior to the hearing date. The Court moved the class certification hearing to  
9 July 14, 2014 and the last date to hear dispositive motions was moved to November 3,  
10 2015, requiring dispositive motion papers to be filed and served no later than September  
11 29, 2015. Further, the Court entered an Order on August 14, 2015 extending the fact  
12 discovery cut-off to November 10, 2015. On September 9, 2015, the Court issued its  
13 Order on Plaintiffs' Class Certification and Defendants' Motion to Dismiss and to  
14 Disqualify ("Certification Order"), leaving the parties with only twenty days to prepare  
15 and file dispositive motions. On October 5, 2015, the Court entered an Order per  
16 stipulation by the parties to extend the deadline to hear dispositive motions to March 1,  
17 2016. This deadline was set for that date, in part, to accommodate an opt-in period of 90  
18 days, should the Court so order. On October 6, 2015, the Court ordered a 90 day opt-in  
19 period. The parties have met and conferred over the class notice and have finalized  
20 English and Spanish language versions that the Parties anticipate will be mailed out by  
21 January 10, 2016.
- 22 2. In the Certification Order, the Court conditionally certified a class under Fair Labor  
23 Standards Act ("FLSA") and requested that the parties submit a proposed joint letter and  
24 class notice under FLSA §216(B). On September 23, 2015, the parties submitted a  
25 proposed class notice with each party proposing different opt-in deadlines together with a  
26 joint letter regarding the disputed issues regarding the class notice. In an Order, filed on  
27 October 6, 2015, the Court set the opt-in deadline for 90 days from the date of mailing  
28 and that the class notice should reflect that the signed opt-in notices be returned to the

1 class administrator, rather than Plaintiffs' counsel. The parties anticipate that the class  
2 notices will be mailed no later than January 10, 2016. The Court also certified a class  
3 under Fed. Rule of Civ. Proc. §23(b)(3). There is no order or proposed schedule for this  
4 opt-out class.

5 3. The Court has recently granted in part and denied in part, Plaintiffs' motion to compel  
6 production of certain time and payroll records. The Court has also recently granted  
7 Defendants' Motion to Compel further responses to Special Interrogatories relating  
8 Plaintiffs' damage claims. The Parties expect that the production of class member  
9 records and service of further discovery responses will occur over the coming weeks.  
10 Under the current Case Management Schedule, the parties could be forced to bring all  
11 dispositive motions prior to this production, and would certainly have to bring their  
12 motions prior to the completion of the FLSA 216(B) opt in process and Rule 23(b)(3) opt  
13 out period.

14 4. Consequently, the parties propose extending the date to hear dispositive motions from  
15 March 1, 2016 to July 48, 2016.

16 5. No trial date has been set yet, and no deadline for merits expert disclosures and  
17 completion of merits expert discovery.

18 6. Good cause exists for the following reasons. Under the current time restrictions, the  
19 parties are forced to bring dispositive motions before the class certification of FLSA  
20 claim has been fully decided and before the Rule 23(b)(3) class has been notified and  
21 provided an opportunity to opt-out. The opt-in and opt-out procedures may impact  
22 whether the parties elect to bring certain dispositive motions (for example, summary  
23 adjudication or decertification). The proposed deadline to hear dispositive motions  
24 would accommodate the current opt-in period for the conditional FLSA class  
25 notification. Furthermore, additional fact and expert discovery may be necessary or  
26 anticipated to support or to oppose anticipated dispositive motions. The parties have  
27 been diligent in conducting discovery. Fact discovery closed as of November 10, 2015;  
28 however, the parties are currently meeting and conferring on scheduling two remaining

depositions and on proposed orders relating to the Defendants' production of class member records and Plaintiffs' further responses to interrogatories.

DATED: JANUARY 7, 2016

BERLINER COHEN, LLP

BY: /s/ EILEEN P. KENNEDY

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AUTOWEST COLLISION REPAIRS, INC.; AND AW  
COLLISION OF SERRAMONTE

DATED: JANUARY 7, 2016

MALLISON & MARTINEZ & JUSTICE AT WORK  
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BY: /s/ MARCO A. PALAU

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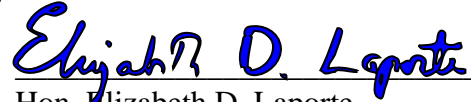
ERIC S. TRABUCCO

MALLISON & MARTINEZ

ATTORNEYS FOR PLAINTIFFS AND CLASS

1 PER STIPULATION, IT IS HEREBY ORDERED.

2  
3 Dated: January 8, 2016



Hon. Elizabeth D. Laporte  
UNITED STATES MAGISTRATE JUDGE